IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1215 of 2000
and
CIVIL APPLICATION NO. 7513 OF 2001
in
SPECIAL CIVIL APPLICATION NO. 1215 OF 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA
and
Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RAKESH S PAL

Versus

M/S AMA PVT LTD

Appearance:
MR SH IYER for MR MUKUL SINHA for Petitioner
MR VIMAL PATEL for M/S.NANAVATI ASSOCIATES for Respondent No. 1
Nobody appears for respondent no.2.

CORAM : MR.JUSTICE M.R.CALLA
and
MR.JUSTICE N.G.NANDI

Date of decision: 23/07/2001

COMMON ORAL JUDGEMENT

(Per : MR.JUSTICE M.R.CALLA)

The main matter, i.e. Special Civil Application No.1215 of 2000 has come up before this Court on the Civil Application No.7513 of 2001 moved in this petition. In the Civil Application, the relief has been sought for vacating the interim order dated 8th May 2000 passed in the Special Civil Application. Mr.Vimal Patel appearing for the respondent no.1 has invited our attention to the xerox copy of the settlement arrived at between the parties on 22nd March 2001, duly signed by 13 employees and he submits that the matter has been settled as per this mutual settlement. This settlement is also signed by the other side. Mr.Vimal Patel has also submitted that so far as the 14th employee is concerned, the respondent no.1 is prepared to settle the same, but his whereabouts are not known. He further submits that in case his whereabouts are made known on behalf of the petitioners by his Counsel or the concerned petitioner approaches himself, his claim shall also be settled as per this settlement.

Mr.Iyer is not in a position to controvert this statement made by Mr.Vimal Patel, but he submits that if whereabouts of the 14th employee are made known, the respondent no.1 may ensure that he also gets the same relief as per this settlement.

In this view of the matter, we find that the main petition itself does not survive and the same has become infructuous. The same is accordingly disposed of as having become infructuous and the Rule issued therein is hereby discharged.

Whereas the main petition itself has been disposed of as having become infructuous in view of the settlement dated 22nd March 2001, the interim order dated 8th May 2000 passed in Special Civil Application No.1215 of 2000 automatically comes to an end and the same ceases to be operative. The Civil Application too does not survive.

In case any Bank Guarantee had been given by the respondent no.1 in pursuance of the interim order of this Court, the same shall stand discharged as the controversy between the parties have been settled and amount in terms of settlement has already been given to the employees. The Civil Application is disposed of accordingly.

23rd July 2001 (M.R. Calla, J.)

(N.G. Nandi, J.)

Sreeram.